

CHAPTER XI

OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE

190. Giving false evidence.- Whoever, being legally bound by an oath or by an express provision of law to state the truth, or being bound by law to make a declaration upon any subject, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, is said to give false evidence.

Explanation 1. – A statement is within the meaning of this section, whether it is made verbally or otherwise.

Explanation 2. – A false statement as to the belief of the person attesting is within the meaning of this section, and a person may be guilty of giving false evidence by stating that he believes a thing which he does not believe, as well as by stating that he knows a thing which he does not know.

Illustrations

- (a) A, in support of a just claim which B has against Z for one thousand rupees, falsely swear on a trial that he heard Z admit the justice of B's claim. A has given false evidence.
- (b) A, being bound by an oath to state that he believes a certain signature to be the handwriting of Z, when he does not believe it to be the handwriting of Z. Here A states that which he knows to be false, and therefore gives false evidence.
- (c) A, knowing the general character of Z's handwriting, states that he believes a certain signature to be the handwriting of Z; A in good faith believing it to be so. Here A's statement is merely as to his belief it to be so. Here A's statement is merely as to his belief, and is true as to his belief, and therefore, although the signature may not be the handwriting of Z, A has not given false evidence.
- (d) A, being bound by an oath to state the truth, states that he knows that Z was at a particular place on a particular day, not knowing anything upon the subject. A gives false evidence whether Z was at the place on the day named or not.

- (e) A, an interpreter or translator, gives or certifies as a true interpretation or translation of a statement of document which he is bound by oath to interpret or translate truly, that which is not and which he does not believe to be a true interpretation or translation. A has given false evidence.

COMMENTS

Giving false information to process recover that he had not heard about notices for last two years and his whereabouts are not known is not a certificate and his whereabouts are not known is not a certificate and therefore section 191 to 199 of Code are not attracted; D. jothi v. K.P Kandagamy; 2000 Cr LJ 292 (Mad).

192. Fabricating false evidence - Whoever causes any circumstance to exist or ¹[makes any false entry in any book or record, or electronic record or makes any document or electronic record containing a false statement], intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding , or in a proceeding taken by law before a public servant as such , or before an arbitrator, and that such circumstance , false entry or false statement , so appearing in evidence, may cause any person who in such proceeding is to form an opinion up on the evidence ,to entertain an erroneous opinion touching any point material to the result of such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result or such proceeding, is said” to fabricate false evidence”.

- (a) A, puts jewels into a box belonging to Z, with the intention that they may be found in that box, and that this circumstance may cause Z to be convicted of thdft, A has fabricated false evidence false evidence.
- (b) A makes a false entry in his shop-book for the purpose of using it as corroborative evidence in a Court of justice. A has fabricated false evidence.
- (c) A, with the intention of causing Z to be convicted of a criminal conspiracy, writes a letter in imitation of Z's handwriting, purporting to be addressed to an accomplice in such criminal conspiracy , and puts the letter in a place which he knows that the officers of the police are likely to search. A has fabricated false evidence.

193. Punishment for false evidence.- Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding , shall be punished with imprisonment of either description for a term which may extend

to seven years, and shall also be liable to fine.

And whoever intentionally grieves or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

1. Subs. by the Information Technology Act, 2000, sec. 91 and Sch. I, for certain words.

Illustrations

A, in an enquiry before a Magistrate for the purpose of ascertaining whether Z out to be committed for trial, makes on oath a statement which he knows to be false. As this enquiry is a stage of a judicial proceeding, A has gives false evidence.

Explanation 3. – An investigation directed by a Court of Justice according to law, and conducted under the authority of a Court of justice, is a stage of a judicial proceeding, though that investigation may not take place before a Court of Justice.

Illustrations

A, in any enquiry before an officer deputed by a Court of Justice to ascertain on the spot the boundaries of land, makes on oath a statement which he knows to be false, As this enquiry is a stage of a judicial proceeding. A has given false evidence.

CLASSIFICATION OF OFFENCE

Para I. Punishment-Imprisonment for 7 years and fine -Non- cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable.

Para II. Punishment-Imprisonment for 3 years and fine- Non- cognizable –Bailable-Triable by and Magistrate.

194. Giving or fabricating false evidence with intent to procure conviction of capital offence.-

Whoever gives or fabricates false evidence, intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which is capital ¹[by the law for the time being in force in ²[India]]shall be punished with ³[imprisonment for life], or with rigorous imprisonment for a term which may extend to ten years, and shall also be liable to fine;

if innocent person be thereby convicted and executed.- and if innocent person be convicted and executed in consequence of such false evidence, the person who gives such false evidence shall be punished either with death or the punishment hereinbefore described.

CLASSIFICATION OF OFFENCE

Para I. Punishment-Imprisonment for life, or rigorous imprisonment for 10 years and fine -Non- cognizable –Bailable-Triable by Court of Session –Non-compoundable.

Para II. Punishment- Death or as above- Non- cognizable – Non- bailable-Triable by Court of Session- Non- compoundable.

195. Giving or fabricating false evidence with intent to procure conviction of offence

punishable with imprisonment for life or imprisonment.- Whoever gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any person to be convicted of an offence which¹[by the law for the time being in force in ²[India]] is not capital, but punishable with ³[imprisonment for life], or imprisonment for a term of seven years or upwards, shall be punished as a person convicted of that offence would be liable to be punished.

Illustration

A gives false evidence before a Court of Justice, intending thereby to cause Z to be convicted of a dacoity. The Punishment of dacoity is ³[imprisonment for life], or imprisonment for a term which may extend to ten years, with or without fine. A, therefore , is liable to ⁴[imprisonment for life] or imprisonment, with or without fine.

1. 1. Subs. by the A.O. 1948, for –by the law of British India or England.
2. 2. Subs. by Act 3 of 1951, sec, 3 and Sch ., for — the States.
3. 3. Subs. by Act 26 of 1955, sec 117 and Sch., for –transportation for life(w.e.r.1-1-1956)
4. 4. Subs. by Act 26 of 1955, sec 117 and Sch., for — suah transportation l(w.e.r.1-1-1956)

CLASSIFICATION OF OFFENCE

Punishment –The same as for the offence – Non- cognizable – Non – bailable-Triable by Court of Session- Non- compoundable.

197. Issuing or signing false certificate.- Whoever issues or signs any certificate required by law to be given or signed, or relating to any fact of which such certificate is by law admissible in evidence, knowing or believing that such certificate is false in any material point, shall be punished in the same manner as if he gave false evidence.

CLASSIFICATION OF OFFENCE

Punishment –The same as for the giving or fabricating false evidence– Non- cognizable – Non – Bailable-Triable by Court by which offence of giving false evidence is triable- Non- compoundable.

198. Using as true a certificate known to be false.- Whoever corruptly uses or attempts to use any such certificate as a true certificate, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

CLASSIFICATION OF OFFENCE

Punishment –The same as for the giving or fabricating false evidence– Non- cognizable – Non – Bailable-Triable by Court by which offence of giving false evidence is triable- Non- compoundable.

199. False statement made in declaration which is by law receivable as evidence.- Whoever, in any declaration made or subscribed by him, which declaration any Court of justice, or any public servant or other person, is bound or authorized by law to receive as evidence of any fact, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, touching any point material to the object for which the declaration is made or used, shall be punished in the same manner as if he gave false evidence.

CLASSIFICATION OF OFFENCE

Punishment –The same as for the giving or fabricating false evidence– Non- cognizable – Non – Bailable-Triable by Court by which offence of giving false evidence is triable- Non- compoundable.

COMMENTS

No specific averment in the complaint that certain averments in the affidavit before Rent Control Officer are false complaint cannot be held as maintainable; Chandrpal Singh v. Maharaj Singh, AIR 1982 SC 1236.

200. Using as true such declaration knowing it to be false.- Whoever corruptly uses or attempts to use as true any such declaration, knowing the same to be false in any material point, shall be punished in the same manner as if he gave false evidence.

Explanation.- A declaration which is inadmissible merely upon the ground of some informality, is a declaration within the meaning of sections 199 to 200.

CLASSIFICATION OF OFFENCE

Punishment –The same as for the giving or fabricating false evidence– Non- cognizable – Non – Bailable-Triable by Court by which offence of giving false evidence is triable- Non- compoundable.

201. Causing disappearance of evidence of offence, or giving false information to screen offender.- Whoever, knowing or having reason to believe that an offence has been committed, cause any evidence of the commission of that offence to disappear, with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false;

if a capital offence.- shall, if the offence which he knows or believes to have been committed is punishable with death, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

if punishable with imprisonment for life.- and if offence is punishable with ¹[imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, shall also be liable to fine;

if punishable with less than ten years' imprisonment.- and if the offence is punishable with imprisonment for any term not extending to ten years, shall be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth part of the longest term of the imprisonment provided for the offence, or with fine, or with both.

1. Subs. by Act 26 of 1955 .sec. 117 and Sch., for "transportation for life" (w.e.f.1-1-1956)

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 6 months, or fine, or both-Non- cognizable–Bailable-Triable by and Magistrate –Non- compoundable.

COMMENTS

Assuming that the prosecution has positively proved that the death was homicidal yet from the medical evidence it is clear that it was not a natural death and consequently the death should at least be not as one of suicide. Even in the cause of suicide an offence of abetment punishable under section 306 is inherent. Therefore, even in the case of suicide there is an obligation on the person who knows or has reason to believe that such a suicidal death has occurred, to give information; Bhagwan Swarup v. State of Rajasthan, (1991) Cr LJ 3123 (3133) (SC).

203. Giving false information respecting an offence committed.- Whoever knowing or having reason to believe that an offence has been committed, gives any information respecting that offence which he knows or believes to be false, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

¹[Explanation.- In sections 201 and 202 and in this section the word " offence", includes any act committed at any place out of ²[India], which, if committed in ²[India], would be punished under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460.

1. 1. Added by Act 3 1894, sec.6.

2. 2. The words "British India—" have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, sec.3 and Sch. to read as above.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine, or both-Non- cognizable–Bailable-Triable by and Magistrate –Non- compoundable.

204. Destruction of document to prevent its production as evidence.- Whoever secretes or destroys any ³[document or electronic record] which he may be lawfully compelled to produce as evidence in a Court of Justice, or in any proceeding lawfully held before a public servant, as such, or obligates or renders illegible the whole or any part of such ³[document or electronic record] with the intention of prevention the same from being produced or used as evidence before such Court or public servant as aforesaid, or after he shall have been lawfully summoned or required to produce the same for that purpose, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

, or with both.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 3 years, or fine, or both-Non- cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable.

206. Fraudulent removal or concealment of property to prevent its seizure as forfeited or in exaction.- Whoever fraudulently removes, conceals, transfers or delivers to any person any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as forfeiture or in satisfaction of a fine, under a sentence which has been pronounced, or which he knows to be likely to be pronounced, by a Court of justice or other competent authority, or from being taken in execution of a decree or order which has been made, or which he knows to be likely to be made by a Court of justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

3. Subs.by the Information and Technology Act, 2000, sec.91 and Sch.I, for“document”.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine, or both-Non- cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable.

207. Fraudulent claim to property to prevent its seizure its seizure as forfeited or in execution.-

Whoever fraudulently accepts, receives or claim any property or any interest therein , knowing that he has no right or rightful claim to such property or interest, or practices any deception touching any right to any property or any interest therein, intending thereby to prevent that property or interest therein from being taken as a forfeiture or in satisfaction of a fine, under a sentence which has been pronounced ,or which he knows to be likely to be made by a Court of Justice in a civil suit, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine, or both-Non- cognizable – Bailable-Triable by and Magistrate of the first class –Non- compoundable.

208. Fraudulently suffering decree for sum not due. Whoever fraudulently causes or suffers a decree or order to be passed against him at the suit of any person for any interest in property to which such person is not entitled, or fraudulently causes or suffers a decree or order to be executed against him after it has been satisfied, or for anything in respect of which it has been satisfied, shall be punished with imprisonment of either description for a term which may extend to two years, or with both.

Illustration

A institutes a suit against Z.Z knowing that A is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B, who has no just claim against him, in order that B, either on his own account or for the benefit of Z, may share in the proceeds of any sale of Z's property which may be made under A's decree. Z has committed an offence under this section.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine, or both-Non- cognizable –
Bailable-Triable by and Magistrate of the first class –Non- compoundable.

209. Dishonesty making false claim in Court.- Whoever fraudulently or dishonestly, or with intent to injure or annoy any person, makes in a Court of justice any claim which he knows to be false, shall be punished with imprisonment of either description for a term which may extend to two years, and shall also be liable to fine.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine, or both-Non- cognizable –
Bailable-Triable by and Magistrate of the first class –Non- compoundable.

210. Fraudulently obtaining decree for sum not due.- Whoever fraudulently obtains a decree or order against any person for a sum not due or for a larger sum than is due, or for any property or interest in property to which he is not entitled, or fraudulently causes a decree or order to be executed against any person after it has been satisfied for any thing in respect of which it has been satisfied, or fraudulently suffers or permits any such act to be done in his name, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine, or both-Non- cognizable –
Bailable-Triable by and Magistrate of the first class –Non- compoundable.

211. False charge of offence made with intent to injure.- Whoever, with intent to cause injury to any person, institutes or causes to be instituted any criminal proceeding against that person, or falsely charge any person with having committed an offence, against that person, or falsely charges any person with having committed an offence, knowing that there is no just or lawful ground for such proceeding or charge against that person, shall be punished with imprisonment of

either description for a term which may extend to seven years, and shall also be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 2 year , or fine both-Non- cognizable–Bailable-Triable by and Magistrate of the first class –Non- compoundable.

Para II: Punishment -Imprisonment for 7 year and fine -Non- cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable

Para III : Punishment -Imprisonment for 7 year , and fine Non- cognizable –Bailable-Triable by Court of session –Non- compoundable.

212. Harboursing offender.- Whenever an offence has been committed, whoever harbors or conceals a person whom he knows or has reason to believe to be the offender, with the intention of screening him from legal punishment ;

if a capital offence.- shall, if the offence is punished with death, be punished with imprisonment of either description for a term which may extend to five year, and shall also be liable to fine;

if punishable with imprisonment for life, or with imprisonment.- and if the offence is punishable with ¹[imprisonment for life], or with imprisonment which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine;

and if the offence is punishable with imprisonment with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with both.

²*“Offence” in this section includes any act committed at any place out of ³[India], which, if committed in ³[India], would be punishable under any of the following sections, namely, 302, 304, 382, 392, 393, 394, 395, 396, 397, 398, 399, 402, 435, 436, 449, 450, 457, 458, 459 and 460; and every such act shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in ³[India].]

Exception.- The provision shall not extend to any case in which the harbour or concealment is by the husband or wife of the offender.

1. 1. Subs. by Act 26 of 1955, sec. 117 and Sch., for –transportation for life (w.e.f 1-1-1956)
2. 2. Ins. by Act 3 of 1894, sec.7.
3. 3. The words “British India” have successively been subs. by the A.O. 1948, the A.O. 1950 and Act 3 of 1951, sec.3 and Sch. to read as above.

Illustration

A, knowing that B has committed dacoity, knowingly conceals B in order to screen him from legal punishment. Here, as B is liable to ¹[imprisonment for life], A is liable to imprisonment of either description for a term not exceeding three years, and is also liable to fine.

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 5 years, or fine both-Non- cognizable –Bailable- Triable by Magistrate of the first class –Non- compoundable.

Para II: Punishment -Imprisonment for 3 years and fine -Non- cognizable –Bailable- Triable by Magistrate of the first class –Non- compoundable

Para III : Punishment -Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both -Cognizable –Bailable-Triable by the first class–Non- compoundable.

COMMENTS

To attract the provision of section 212 it is necessary to establish commission of offence, harboring or concealing the person known or believed to be the offender and such concealment must be with the intention of screening him from legal punishment; *Sanjeev Kumar v. State of Himachal Pradesh*, 1999 AIR (SC) 782; 1994 (2) SCC 288; 1999 (1) JT 116.

213. Taking gift, etc., to screen an offender from punishment.- Whoever accepts or attempts to obtain, or agrees to accept, any gratification for himself or any other person, or any restitution of property to himself or any other person, in consideration of his concealing an offence or of his screening any person for the purpose of bringing him to legal punishment,

if a capital offence.- shall, if the offence is punishable with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

1. 1. Subs. by Act 26 of 1955, sec. 117 and Sch, for –transportation for life (w.e.f. 1-1-1956)

if punishment with imprisonment for life, or with imprisonment.- and if the offence is punishable with 1 [imprisonment for life], or with imprisonment which may extend to three years, and shall also be liable to fine;

and if the offence is punishable with 1 [imprisonment not extending to ten], or with years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one-fourth part of the longest term of imprisonment provided for the offence, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 7 Year, or fine both-Non- cognizable—
Bailable- Triable by and Magistrate of the first class –Non- compoundable.

Para II: Punishment -Imprisonment for 3 year and fine -Non- cognizable –Bailable-
Triable by and Magistrate of the first class –Non- compoundable

Para III : Punishment -Imprisonment for a quarter of the longest term, provided for the offence, or fine, or both -Cognizable –Bailable-Triable by the first class–Non- compoundable.

Offering gift or restoration of property in consideration of screening offender.- Whoever gives or cause , or offers or agrees to give or cause, any gratification to any person, or ¹[restores or causes the restoration of] any property to any person , in consideration of that parson's concealing an offence, or of his screening any person from legal punishment for any offence, or of his not proceeding against any person for the purpose of bringing him to legal punishment;

if a capital offence. – shall, if the offence is punishable with death be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

if punishable with imprisonment for life, or with imprisonment.-and if the offence is punishable with ²[imprisonment for life], or with imprisonment which may

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1. Subs. by Act 42 of 1953 ,sec.4 and Sch.IIIfor “to restore or cause the restoration”
 2. Subs. by Act 26 of 1955,sec.117 and Sch., for “transporation for life”(w.e.f.1-1-1956)

extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and also be liable to fine;

and if the offence is punishable with imprisonment not extending to ten years, shall be punished with imprisonment of the description provided for the offence for a term which may extend to one- forth part of the longest term of imprisonment provided for the offence, or with fine , or with both.

³[Exception .- The provisions of sections 213 and 214 do not extend to any case in which the offence may lawfully be compounded.]

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CLASSIFICATION OF OFENCE

Para I :Punishment- Imprisonment for 7 year , or fine both-Non- cognizable–
Bailable- Triable by and Magistrate of the first class –Non- compoundable.

Para II: Punishment -Imprisonment for 3 year and fine -Non- cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable

Para III : Punishment -Imprisonment for a quarter of the longest term, and of the description, provided for the offence, or fine, or both -Cognizable –Bailable-Triable by the first class–Non-compoundable.

215. Taking gift to help to recover stolen property, etc. – Whoever takes or agrees or consents to take any gratification under pretence or on account of helping any person to recover any movable property of which he shall have been deprived by any offence punishable under this Code, shall, unless he uses all means in his power to cause the punishable under this Code, shall, unless he uses all means in his power to cause the offender to be apprehended and convicted of the offence, be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

3. 3. Subs. by Act 8 of 1882,sec.6, for the original Exception.

4. 4. Illustration rep. by Act 10 of 1882,sec.2 and Sch. I.

CLASSIFICATION OF OFFENCE

Punishment-Imprisonment for 2 years, or fine, or both-Non-cognizable – Bailable-Triable by and Magistrate of the first class –Non-compoundable.

216. Harboursing offender who has escaped from custody or whose apprehension has been ordered.- Whenever any person convicted of or charged with an offence, being in lawful custody for that offence, escapes from such custody;

or whatever a public servant , in the exercise of the lawful powers of such public servant

, orders a certain person to be apprehended for apprehension , harbors or conceals that

person which the intention of preventing him from being apprehended ,shall be punished in the manner following that is to say:-

if a capital offence.- if the offence for which the person was in custody or is ordered to be apprehended is punishable with death, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine;

if punishable with imprisonment for life, or with imprisonment.- if the offence is punishable with ¹[imprisonment for life], or imprisonment for ten years, he shall be punished with imprisonment of either description for a term which may extend to three years, with or without fine;

and if the offence is punishable with imprisonment which may extend to one year and not to ten years, he shall be punishable with imprisonment of the description provided for the offender for a term which may extend to one-fourth part of the longest term of the imprisonment provided for such offence, or with fine, or with both.

²[—Offence] in this section includes also any act or omission of which a person is alleged to have been guilty out of ²[India], which, if he had been guilty of it in

1. 1. Subs. by Act 26 of 1955, sec. 117 and Sch., for -transportation for life (w.e.f. 1-1-1956).

2. 2. Ins. by Act 10 of 1886, sec. 23

³[India], would have been punishable as an offence, and for which he is, under any law relating to extradition, ⁴[***] of otherwise, liable to be apprehended or detained in custody in ³[India]; and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in ³[India].]

Exception.- The provision does not extend to the case in which the harbour or

concealment is by the husband or wife of the person to be apprehended.

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 7 years and fine- Cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable.

Para II: Punishment -Imprisonment for 3 years with or without fine - Cognizable – Bailable-Triable by and Magistrate of the first class –Non- compoundable

Para III : Punishment -Imprisonment for a quarter of the longest term, provided for the offence, or fine, or both -Cognizable –Bailable-Triable by Magistrate of the first class–Non- compoundable.

⁵**[216A. Penalty for harbouring robbers or dacoits.-** Whoever, knowing or having reason to believe that any persons are about to commit or have recently committed robbery or dacoity , harbours them or any of them, with the intention of committed robbery or dacoity, harbours them or any of them , with the intention of facilitating the commission of such robbery or dacoity or of screening them or any of them from punishment, shall be punished with rigorous imprisonment for a term which may extend to seven years, and shall also be liable to fine.

Exception .- For the purposes of this section it is immaterial whether the robbery or

3. 3. The words| British India| have successively been subs. by the A.O. 1948 the A.O. 1950 and Act 3 of 1951, sec.3 and Sch. to read as above.

4. 4. The words| or under the Fugitive Offenders Act, 1881,| omitted by Act 3 of 1951, sec.3 and Sch.

5. 5. Ins. by Act 3 of 1894, sec. 8.

Dacoity is intended to be committed, or has been committed , within or without ¹[India].

Exception. - This provision does not extend to the case in which the harbour is by the husband or wife of the offender.]

CLASSIFICATION OF OFFENCE

Punishment –Rigorous imprisonment of 7 years and fine- Cognizable – Non – Bailable-Triable by Magistrate of the first class - Non-compoundable.

²[**216B. Definition of —harbour** in sections 212,216 and 216A.-[Rep. By the Indian Penal Code (Amendment) Act, 1942 ,(8 of 1942), sec. 3.]]

217. Public servant disobeying direction of law with intent to save person from punishment or property from forfeiture.- Whoever, being a public servant, knowing disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending

thereby to save, or knowing it to be likely that he will thereby save, any person from legal punishment , or subject him to a less punishment than that to which he is liable, or with intent to save, or subject him to a less likely thereby to save , any property with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFENCE

Punishment- Imprisonment for 2 year , or fine both-Non- cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable.

218. Public servant framing incorrect record or writing with intent to save person from punishment or property from forfeiture.- Whoever , being a public servant, and being as such public servant, charged with the preparation of any record or other writing , frames that record or writing in a manner which he knows to be incorrect, with intent to cause, or knowing it to be likely that he will thereby ccause, loss or injury to the public or to any person, or with intent thereby to save, or knowing that he is likely thereby to save , any property from forfeiture or other charge towich

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1. Subs. by Act 26 of 1955, sec. 117 and Sch., for –transportation for life (w.e.f. 1-1-1956)

it is liable by law, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine or with both.

CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 3 years , or fine, or both-Cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable.

219. Public servant in judicial proceeding corruptly making report, etc., contrary to law.- Whoever, being a public servant , corruptly or maliciously makes or pronounces in any stage of a judicial proceeding , any report, order, verdict, or decision which he knows to be contrary to

law, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine , or with both.

CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 7 years , or fine, or both-Cognizable –Bailable-Triable by and Magistrate of the first class –Non- compoundable.

220. Commitment for trial or confinement by person having authority who knows that he is acting contrary to law.- Whoever, being in any office which gives him legal authority to commit persons for trial or to commitment , or to keep persons in confinement, corruptly or maliciously commits any person for trial or to confinement, or keeps any person in confinement, in the exercise of that authority knowing that in so doing he is acting contrary to law, shall be punished with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 7 years , or fine, or both-Cognizable –Bailable-Triable

by and Magistrate of the first class –Non- compoundable.

221. Intentional omission to apprehend on the part of public servant bound to

apprehend.- Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person charged with or liable to apprehended for an offence , intentionally omits to apprehend such person, or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:-

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for , an offence punishable with death; or

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for , an offence punishable with ¹[imprisonment for life] or imprisonment for a term which may extend to ten years; or

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, was charged with, or liable to be apprehended for , an offence punishable with imprisonment for life for a term less than ten years.

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 7 years with or without fine-According as the offence in relation to which such omission has been made in cognizable or non-cognizable- bailable-Triable by and Magistrate of the first class –Non- compoundable.

Para II: Punishment -Imprisonment for 3 years with or without fine -Cognizable – Bailable-Triable by and Magistrate of the first class –Non- compoundable.

Para III : Punishment -Imprisonment for 2 years with or without fine -Cognizable
– Bailable-Triable by and Magistrate of the first class –Non- compoundable.

1. Subs. by Act 26 of 1955, sec.117 and Sch., for –transportation for life (w.e.f.1-1-1956)

222. Intentional omission to apprehend on the part of public servant bound to apprehend person under sentence or lawfully committed.-

Whoever, being a public servant, legally bound as such public servant to apprehend or to keep in confinement any person under sentence of a Court of justice for any offence¹[or lawfully committed to custody], intentionally omits to apprehend such person, or intentionally suffers such person to escape or intentionally aids such person, or intentionally suffers such person to escape or intentionally aids such person, or intentionally aids such person in escape or intentionally aids such person in escaping or attempting to escape from such confinement, shall be punished as follows, that is to say:-

with ²[imprisonment for life] or with imprisonment of either description for a term which may extend to fourteen years, with or without fine, if the person in confinement, or who ought to have been apprehended, is under sentence of death; or

with imprisonment of either description for a term which may extend to seven years, with or without fine, if the person in confinement, or who ought to have been apprehended, is subject, by a sentence of a Court of justice, or by virtue of a commutation of such sentence, to ²[imprisonment for life]

³[***] ⁴[***] ⁵[***] ⁶[***] or imprisonment for a term of ten years or upwards; or

with imprisonment of either description for a term which may extend to three years, or with fine, or with both, if the person in confinement, or who ought to have been apprehended is subject, by a sentence of a Court of justice, to imprisonment for a term not exceeding to ten years ⁷[or if the person was lawfully committed to custody]

1. 1. Ins. by Act 27 of 1870, sec.8.
2. 2. Subs. by Act 26 of 1955, sec. 117 and Sch., for –transpiration for life (w.e.f.1-1-1956).
3. 3. 3.The words or penal servitude for life –omitted by Act 17 of 1949, sec.2 (w.e.f.6-4-1949).
4. 4. 4. The words or to omitted by Act 36 of 1957, sec.3 and Sch. II.
5. 5. The words transportation omitted by Act 26 of 1955, sec. 117 and Sch. (w.e.f.1-1-1956).
6. 6. The words or penal servitude for life –omitted by Act 17 of 1949, sec.2 (w.e.f.6-4-1949).
7. 7. Ins. by Act 27 of 1870, sec.8

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 14 years, with and without fine- Cognizable –Non-bailable- Triable by Court of session- Non- compoundable.

Para II: Punishment -Imprisonment for 7 years with or without fine -Cognizable – Non-bailable- Triable by Magistrate of the first class Court of session- Non- compoundable

Para III : Punishment -Imprisonment for 3 years, or with or without fine or both -Cognizable – Non-bailable-Triable by Magistrate of the first class Court of session- Non

223. Escape from confinement or custody negligently suffered by public servant.- Whoever being a public servant legally bound as such public servant to keep in confinement any person charged with or convicted of any offence [or lawfully committed to custody], negligently suffers such person to escape from confinement, shall be punished with simple imprisonment for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 2 years, or fine or both-Non- cognizable –Bailable-Triable by Court of session- Non- compoundable.

224. Resistance or obstruction by a person to his lawful apprehension.- Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself for any offence with which he is charged or of which he has been convicted, or escapes or attempts to escape from

any custody in which he is lawfully detained for any such offence, shall be punished with fine, or with both.

Explanation.- The punishment in this sections is in addition to the punishment for which the person to be apprehended or detained in custody was liable for the offence with which he was charged, or of which he was convicted.

CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 2 years, or fine or both-Non- cognizable –Bailable-Triable by any Magistrate- Non- compoundable.

225. Resistance or obstruction to lawful apprehension of another person.- Whoever intentionally offers any resistance or illegal obstruction to the lawful apprehension of any other person for an offence, or rescues or attempts to rescue any apprehension of any other person for an offence, or rescues or attempts to rescue any shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both;

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with ¹[imprisonment for life] or imprisonment for a term which may extend to ten years, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

or, if the person to be apprehended, or the person rescued or attempted to be rescued, is charged with or liable to be apprehended for an offence punishable with death, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended or rescued, or attempted to be rescued, is liable under the sentence of a Court of Justice, or by virtue of a commutation or such a sentence, to ¹[imprisonment for life] ²[***] ³[***]⁴[***] or imprisonment, for a term of ten years or upwards, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine;

or, if the person to be apprehended, or rescued, or attempted to be rescued, is under sentence of death, shall be punished with ¹[imprisonment for life] or imprisonment of either

description for a term not exceeding ten years, and shall also be liable to fine.

1. 1. Subs by Act 26 of 1955, sec. 117 and Sch., for "transportation for life" (w.e.f. 1-1-1956).
2. 2. The words "or to" omitted by Act 36 of 1957, sec. 3 and Sch. II.
3. 3. The words "transportation" omitted by Act 26 of 1955, sec. 117 and Sch. (w.e.f. 1-1-1956).
4. 4. The words "penal servitude" omitted by Act 17 of 1949, sec. 2 (w.e.f. 1-1-1949).

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 2 years, or fine or both-Non- cognizable –Bailable-Triable by any Magistrate- Non- compoundable.

Para II: Punishment -Imprisonment for 3 years with or without fine -Cognizable – Non-bailable-Triable by Magistrate of the first class .-Non- compoundable.

Para III & IV: Punishment -Imprisonment for 7 years and fine Cognizable – Non-bailable-Triable by Magistrate of the first class.

Para V : Punishment -Imprisonment for life or imprisonment for 10 years and fine Cognizable – Non-bailable-Triable by Court of Session.

¹**[225A. Omission to apprehend, or sufferance of escape, on part of public servant, in cases not otherwise, provided for.-** Whoever, being a public servant legally bound as such public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not

provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished-

- (a) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and
- (b) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Para I : Punishment- Imprisonment for 3 years, or fine or both-Non- cognizable –Bailable-Triable by any Magistrate of the first class- Non- compoundable.

Para II: Punishment –Simple imprisonment for 2 years, or both -Non -cognizable – Non-Bailable-Triable by Magistrate.

1. 1. Sections 225A 225B subs. by Act 10 of 1886,sec. 24(1) , for section 225 A which had been ins. by Act 27 of 1870,dec.9.

225B. Resistance or obstruction to lawful apprehension , or escape or rescue in cases not otherwise provided for.- Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of him self or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person form any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.]

CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 6 months, or fine or both-Non- cognizable –Bailable- Triable by any Magistrate- Non- compoundable.

226. Unlawful return form transportation.- [Rep. By the Code of Criminal Procedure (Amendment) Act, 1945 (26 of 1995),sec. 117 and sch. (w.e.f.1-1-1956).]

227. Violation of condition of remission of punishment.-Whoever, having accepted any conditional remission of punishment , knowingly violates any condition on which such remission was granted, shall be punished with the punishment to which he was originally sentenced, if he has already suffered no part of that punishment, and if he has suffered any part of that punishment, then with so much of that punishment as he has not already suffered.

CLASSIFICATION OF OFFENCE

Punishment- Punishment of original sentence, or if part of the punishment has been undergone, the residue-Cognizable - Non-bailable-Triable by the court which the original offence was triable- Non-compoundable.

228. Intentional insult or interruption to public servant sitting in judicial proceeding.- Whoever intentionally offers any insult, or causes any interruption to any public servant, while such public servant is sitting in any stage of a judicial proceeding ; shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

STATE AMENDMENTS

Andhra Pradesh:

In Andhra Pradesh offence under section 228 is cognizable.

[Vide A.P.G.O Ms. No 732, dated 5-12-1991].

CLASSIFICATION OF OFFENCE

Punishment –Simple imprisonment for 6 months, or fine of 1,000 rupees or both -Non - cognizable – Bailable-Triable by the Court in which the offence is committed, subject to the provisions of chapter XXVI- Non-compoundable.

¹**[228A. Disclosure or identity of the victim of certain offences etc.-** (1) Whoever prints or publishes the name or any matter which may make known the identity of any person against whom an offence under section 376,section 376A, section 376B, section 376C or section 376D is alleged or found to have been committed(hereafter in this section referred to as the victim) shall be punished with imprisonment of either description for term which may extend to two years and shall also be liable to fine.

(2) Nothing ins sub-section (1) extends to any printing or publication of the name or any matter which may make known the identity of the victim if such printing or publication is-

- (a) by or under the order in writing of the officer – in-charge of the police station or the police officer making the investigation into such offence acting in good faith for the purpose of such investigation; or

1. 1. Ins. by Act 43 of 1983,sec.2.

- (b) by, or with the authorisation in writing of , the vicitim; or

- (c) where the victim is dead or minor or of unsound mind by, or with the authorization in writing of , the nest of kin of the victim:

Provided that no such authorization shall be given by the next of kin to anybody other than the chairman or the secretary, by whatever name called , of any recognized welfare institution or organization.

Explanation. For the purpose of this sub-section, “recognized welfare institution or organization “ means a social welfare institution or organization recognized in this behalf by the Central or State Government.

(3) Whoever prints or publishes any matter in relation to any proceeding before a court with respect to an offence referred to in sub-section (1) without the previous permission of such court shall be punished with imprisonment of either description for a term which may extend to two years and shall also be liable to fine.

Explanation.- The printing or publication of the judgment of any High Court or the Supreme Court does not amount to an offence within the meaning of this sections.

CLASSIFICATION OF OFFENCE

Para I :Punishment- Imprisonment for two years, and fine Cognizable –Bailable-Triable by any

Magistrate - Non-compoundable.

Para II: Punishment –Imprisonment for two years and fine, -Cognizable-Bailable-Triable by Magistrate- Non-compoundable.

229. Personation of a juror or assessor.- Whoever, by personation or otherwise shall intentionally cause, or knowingly suffer himself to be returned, empanelled or sworn as a juror or assessor in any case in which he knows that he is not entitled by law to be so returned, empanelled or sworn contrary to law, shall voluntarily serve on such assessor, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

CLASSIFICATION OF OFFENCE

Punishment- Imprisonment for 2 years, or fine, or both Cognizable –Bailable-Triable by any Magistrate of the first class - Non-compoundable.